IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl.MC.No. 79 of 2007()

CRIME NO.213 OF 2001 OF MANNARKAD POLICE STATION

.....

PETITIONER: 2ND ACCUSED

ANITHA SHAJU,
W/O.JOSE SHAJU, T.BABY,
PUTHENPURAYIL,
THEVARMATTOM, AYYARKUNNAM VILLAGE,
KONDANDOOR KARA, MANNARKKAD, KOTTAYAM.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANT & STATE

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
(CRIME NO.213 OF 2001 OF MANNARKAD POLICE STATION.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.79 of 2007

Dated this the 10th day of January, 2007

ORDER

The petitioner faces allegations of having committed the offence punishable under Section 409 I.P.C. Cognizance has been taken on the basis of a final report submitted by the police after due investigation. A crime was registered in 2001. The final report was filed and the case was registered in 2002. Charges were framed against the petitioner by the court admittedly on 27.10.2004. The petitioner has now rushed to this Court at this belated hour with a prayer that the prosecution initiated against her may be quashed.

2. What is the reason ? Why did not the petitioner move this Court for quashing of proceedings earlier ? At what stage is the case now ? The answers to these questions make it very clear that the petitioner has no serious intention of challenging the cognizance taken by the learned Magistrate. Evidently the matter stands listed for trial and the petitioner is trying to purchase further time in the disposal of the matter. I am satisfied that in the facts and circumstances of this case, there are absolutely no circumstances justifying or warranting the invocation of the extraordinary inherent jurisdiction available to this Court under Section 482 Cr.P.C. It is evident that the petitioner chose to face trial and establish her

contentions in the trial. At this eleventh hour, I find no justification for her change of strategy and coming to this Court with a prayer to quash the proceedings against her.

3. With the above observations, this Crl.M.C is, dismissed.

(R.BASANT, JUDGE)

rtr/-